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ABSTRACT

This overview is intended to serve as a guide for readers who are not familiar with the employment and management of teachers in the member states of the European Community. It limits itself to general regulations governing the employment of teachers of pupils of statutory school age and up to age 18 in mainstream schools. The overview covers programs in Belgium (Flemish community), Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom--England and Wales, and United Kingdom--Scotland. The text is presented on a country by country basis and structured to reflect the key characteristics of the management of teachers as follows: (1) responsible authorities; (2) school types; (3) categories of teacher; (4) teacher status; (5) teacher numbers; and (6) recruitment and appointment. (AMH)

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THE RECRUITMENT AND MANAGEMENT OF TEACHERS

In the European Community: An Overview

Joanna Le Métais

***EPIC** Europe*
Education Policy Information Centre

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THE RECRUITMENT AND MANAGEMENT OF TEACHERS

In the European Community: An Overview

Joanna Le Métais

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Introduction

Council Directive 89/48/EEC provides a framework for a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration, with a view to promoting the free movement of people throughout the Community. The Directive comes into effect in January 1991 and those recruiting and managing teachers will increasingly need to consider the potential contribution to the education service of teachers who undertook their education and training in other member states.

This overview is intended to serve as a guide for readers who are not familiar with the employment and management of teachers in other member states. It therefore limits itself to general regulations governing the employment of teachers of pupils of statutory school age and up to age 18+ in mainstream schools, whilst specialist teachers of nursery age pupils and those with special educational needs have generally been excluded. The sole exception is Luxembourg, where nursery teachers are included because the first year of compulsory education covers children in nursery classes which are formally separated from the 'school' sector.

The information, which concentrates on regulations current in 1990, was collected through the EURYDICE European education policy information network and checked for accuracy by most National Units. However, reference has been made to reforms which are being implemented or are proposed in a number of countries and which will affect the training and employment of teachers in the years to come.

Specialist terms are used **in the language of origin and in italics** whenever possible to concentrate attention on the concept in the national context and reduce the risk of errors arising from cross-national over-simplification. This also applies where the national language is English e.g. to maintain the distinction between Irish and English primary schools.

The text is presented on a country by country basis and structured to reflect the key characteristics of the management of teachers in most member states, as follows:

* **Responsible authorities** - central government is usually responsible for the employment and management of teachers, but powers may be shared with or delegated to regional, municipal and institutional authorities.

* **School types** - provides details of compulsory schooling and the types of schools.

* **Categories of teacher** - In most member states, there is more than one category of teacher, depending on the education and training received and/or on the type of school in which he or she may be employed.

* **Teacher status** - covers both the legal status (civil servant, public or private sector employee) and the nature of contracts which may be offered, i.e. permanent, fixed term.

* **Teacher numbers** - describes who determines the number of teaching posts and the criteria for calculating staffing needs.

* **Recruitment and appointment** - the criteria and method of recruitment of teachers for permanent teaching posts. Appointment to non-tenured posts is described where information has been made available.

* **Probation** - confirmation of permanent appointment follows a period of probation in most member states. The exceptions are the Federal Republic of Germany and Luxembourg where an extensive period of teaching precedes the award of qualified teacher status.

* **Redeployment and transfer** - although the procedures involved are often similar, redeployment is instigated by the employers whilst a transfer is at the request of the individual teacher.

* **Termination of contract** - Teachers may resign from their posts by giving various periods of notice, usually related to the period of service. Contracts may be terminated by employers in the case of teachers who: reach retirement age, suffer from ill-health, have become redundant (e.g. due to falling rolls), fail to carry out their duties satisfactorily or infringe civil or criminal regulations.

In a number of member states the recruitment and induction form an integral part of the process leading to qualified teacher status. In other countries, the practical part of initial training may serve as probation and part of pensionable service. Information on these matters is published in a companion volume:

Le Métais J (1990) *Initial teacher training in the European Community: an overview*. Slough: NFER/EPIC Europe

Belgium

Responsible authorities

Until 31 December 1988, the State exercised statutory control over the education system and this authority was shared by two National Ministries, one for the French- and German-speaking sector and another for the Dutch-speaking sector. Since 1 January 1989, the Education Ministers in the three autonomous Communities (Flemish, French- and German-speaking) exercise independent control over education. Arrangements regarding the employment and management of teachers may differ among the Communities.

The following description is based on regulations governing the Flemish Community, as an example, but many also apply in the other Communities.

There are three categories of educational establishment:

a) schools financed and managed by the autonomous Communities (former state schools);
b) public subsidised schools: managed by provincial or municipal authorities, financed by the autonomous Communities subject to certain conditions;
c) private subsidised schools: managed by denominational (usually Catholic) or non-denominational authorities and financed by the autonomous Communities subject to certain conditions.

Types of school

Full-time education is compulsory for young people aged 6 to 15; part-time education is compulsory between the ages of 15-18 years.

Lager onderwijs	age 6-12
Lager secundair onderwijs	age 12-15
Hoger secundair onderwijs	age 15-18

The corresponding terms in French and German are, respectively: *Enseignement primaire; Enseignement secondaire inférieur; Enseignement secondaire supérieur* and *Primarschulwesen; Sekundarschulwesen Unterstufe; Sekundarschulwesen Oberstufe*.

Categories of teacher

Onderwijzer lager onderwijs
Leraar algemene vakken secundair onderwijs lagere graad
Leraar algemene vakken secundair onderwijs hogere graad

The corresponding terms for the French Community are: *Instituteur primaire; Régent* or *agrégé de l'enseignement secondaire inférieur (AESI); Licencié* or *agrégé de l'enseignement secondaire supérieur (AESS)*.

Teacher status

Teachers are employees of the organising bodies of education i.e. the *communes* or provinces, the autonomous council of the (Flemish, French or German-speaking) Community (former State schools), or the other, free organising boards of education (mostly dependent on the Catholic church) and enjoy conditions similar to those of civil servants, except security of tenure.

There are three categories of employment status:

a) appointment on a temporary contract;
b) appointment on probation for a permanent contract;
c) appointment on a permanent contract.

Teacher numbers

The autonomous Communities determine the number of teachers to be employed on the basis of the number of teaching periods per curriculum subject per week. Staffing needs are expressed in terms of full-time equivalents and heads of public education institutions hold delegated responsibility for employing teachers within this limit.

Recruitment and appointment

The autonomous Communities and institutional authorities are responsible for the recruitment and appointment of teachers. The criteria governing appointment are:

* Belgian nationality, unless exemption has been granted;
* irreproachable conduct;
* full possession of civil and political rights;
* fulfilment of the regulations regarding national service;
* maximum age of 49 years on application;
* qualified teacher status and competence to teach at least two subjects for lower secondary and three subjects for upper secondary schools;
* a thorough, demonstrable knowledge of the language of instruction in the school (i.e. Dutch/French/German). Teachers of modern foreign languages need only have an adequate command of the language of instruction;
* medical evidence, obtained within the previous six months, showing that the candidate's health provides no threat to the health of either pupils or other members of staff.

Exceptionally, holders of certain higher education qualifications e.g. university degrees, a third grade of the higher technical or art education, a final qualification of the long cycle of higher education or in technical engineering, may be appointed without qualified teacher status at the discretion of the head of the institution. Experience other than teaching is taken into consideration for those employed in technical vocational secondary education.

Conditions for acceptance by schools managed or subsidised by the autonomous Communities vary but all candidates must satisfy the general conditions laid out above. Subsidised schools which are managed by the free organising boards of education may appoint whomever they wish subject to the general requirements, except that age, military service and admission procedures need not be strictly applied.

For appointments to schools managed by the autonomous Communities, priority is given to holders of a certificate of non-denominational education to ensure that at least 75% of teachers have no denominational allegiance, but a certain percentage of applicants with qualifications of denominational education are accepted. Non-denominational schools are expected to respect the philosophical or religious views of the pupils' parents.

Formal applications in response to advertised vacancies are considered by an inspector, who draws up two lists of candidates:

a) those who have completed at least 240 days' service, ranked according to the number of consecutive applications submitted, with those who have longer service taking precedence;
b) all other candidates in alphabetical order, to be appointed in random order once teachers on the first list have all been employed.

Appointments are offered to applicants in the following categories, in order of priority:

a) teachers in permanent posts who are to be compulsorily redeployed or who seek a transfer may be offered a permanent appointment;
b) teachers already employed on probation who are to be redeployed or seek a transfer may be appointed on probation or on a permanent appointment;
c) teachers on the waiting lists of applicants who have completed at least 240 days' service may be appointed on probation;
d) all other teachers on the waiting lists may be appointed on a temporary basis or on probation.

Consideration is given to teachers' expressed preference regarding location of appointment.

Probation

The probationary period lasts for one year (two years for teachers of art), after which the head teacher's report includes a recommendation: (a) that the appointment be made permanent, (b) that the probation be extended for a year or (c) that the teacher be dismissed.

The probationer may submit written objections to the head teacher's recommendations to the Minister. A permanent appointment is made if the inspector endorses recommendation (a) or if the Minister overrules recommendation (b) or (c).

Redeployment and transfer

Under a Royal Decree of 30 April 1969, teachers who have been declared redundant may be redeployed by the autonomous Community between schools or to other educational functions e.g. administration, teacher training, inspection. Redeployment is subject to geographical constraints. Teachers may be paid a waiting salary until a vacancy within their level of competence arises. Refusal to accept such an appointment without good reason within ten days is treated as voluntary resignation.

Any teacher may apply for advertised vacancies and applications are considered in the order outlined above.

Termination of contract

Teachers may retire on reaching the age of 65. Premature retirement on grounds of ill-health may be required if a recognised disability prevents a teacher from carrying out his/her duties.

Temporary staff members may be dismissed with fifteen days' notice on the basis of reasoned proposals from the head of the school or the competent inspector. Probationers may be similarly dismissed at three months' notice.

A teacher's contract may be formally terminated without notice if he/she:

- has not been temporarily employed on a regular basis;
- remains absent from work for more than 10 days, or fails to return after a period of leave, without a valid reason;
- is in contravention of civil and criminal laws incompatible with the 'good conduct' required of teachers;
- loses Belgian nationality or civil and political rights;
- fails to fulfil residential obligations [this is not defined] or the regulations governing national service.

Denmark

Responsible authorities

The authorities responsible for the employment and management of *folkeskole* teachers and *gymnasium* teachers are municipal councils and county councils respectively. Where civil servants are to be dismissed due to redundancy or incompetence, the Minister of Education acts on the recommendation of the appointing authorities in accordance with the Statute relating to Public Servants. Disputes concerning redundancy or other compensatory payments must be addressed to the Ministry.

Types of school

Full-time education is compulsory for young people aged 7 to 16.

Folkeskole	age 7-16
Gymnasium	age 16-19
(including courses for Higher Preparatory Examination)	

Categories of teacher

Teacher training is closely linked to the age range of the students to be taught and the type of school (general, technical, vocational).

Folkeskole
Gymnasium

Teacher status

Ninety per cent of *folkeskole* teachers and approximately five per cent of *gymnasium* teachers are civil servants. The remaining 10% of *folkeskole* teachers have near-civil servant status, except in cases of redundancy. Teachers are not guaranteed employment throughout their active professional life. Of the *gymnasium* teachers, 95% have open-ended contracts. Appointment to an established post in the school may be made at one of three levels:

a) a permanent appointment;
b) a probationary appointment with a view to eventual permanent appointment;
c) a temporary appointment for a period of one year.

Teacher numbers

The number of teaching posts is determined by municipal councils in the case of *folkeskole* and counties in the case of *gymnasien*. Teacher numbers are based on the number of periods to be covered for the national curriculum. Extra staffing allocations are provided for schools which have pupils with special educational needs, children from ethnic minorities who need special language support and to provide cover for teachers who provide vocational guidance or attend in-service education and training.

Pupil:teacher ratios are determined on a local basis and average one teacher per 9.5 pupils. The maximum class size is 28 but the average class size is nearer 18 (sometimes involves team teaching).

Recruitment and appointment

Ministerial regulations govern the appointment and dismissal of teachers employed within the municipal education system. Legislation on the management of schools, implemented on 1 January 1990, abolished the municipal education committees and delegated more power to the individual school boards.

The criteria for appointment are:

- Danish nationality;
- a good knowledge of Danish;
- qualified teacher status in two subjects for *folkeskole* or one for the *gymnasium;*
- good character (i.e. having no criminal record);
- good health.

Performance in competitive examinations is an important consideration in allocation of teachers to posts and non-teaching experience relevant to the discipline may also be considered.

Written applications are made in response to advertised vacancies. The school board and the head teacher consider the applications, interview a number of candidates and recommend three candidates to the municipal council, which makes the final decision. Consideration is given to teachers' expressed preference regarding school or region where possible, but their domestic circumstances are not specifically considered in allocations.

Non-nationals may hold non-tenured posts and foreign graduates may teach in *gymnasien* provided they speak Danish.

Probation

Teachers serve a two-year probationary period, after which they are formally appointed until the age of retirement, subject to certain regulations governing redeployment and redundancy.

Redeployment and transfer

In the event of redundancy, authorities are free to move teachers from one school to another within the municipality or within the county. Teachers may not be transferred to other educational functions (e.g. administration, inspection or advisory services, teacher training) against their will.

After ten years' satisfactory service, teachers are automatically promoted to the grade of senior teacher. Subsequent promotion to the position of deputy head or head teacher/ principal is dependent on successful application for a vacant post. This flat hierarchy produces very stable staffing patterns, although some staff do move for other reasons. A teacher may transfer to another school by agreement with the employing authority.

Termination of contract

The normal age of retirement is 67 years. Like other employees, teachers may take early retirement at 60 years, but they must retire at the start of the month in which they become 70 years of age. Teachers may retire prematurely on grounds of ill-health.

If a school needs to dismiss a teacher due to redundancy, the appointing authorities consider each of the non-tenured teachers individually. Where civil servants are concerned, the Minister of Education acts on the recommendation of the appointing authorities.

If a teacher proves incompetent, the head of the school reports to the local authority. During the first six months of the probationary period, a teacher's contract may be terminated at two weeks' notice, ending at the end of a month. In the case of civil servants, a recommendation for dismissal for incompetence is sent to the Minister of Education.

An established employee under reasonable suspicion of having committed an act which undermines confidence in his/her ability to continue his/her work may be suspended or temporarily redeployed. Professional negligence may give rise to disciplinary action including caution, reprimand, fine (the maximum is half a month's salary), transfer, demotion and dismissal, which are subject to appeal.

France

Responsible authorities

The Ministry *(Ministère de l'éducation nationale)* is responsible for the recruitment and appointment of teachers to secondary schools. Recruitment of primary school teachers has been delegated by the Ministry to the regional authorities *(départements)*.

Under legislation passed in 1989, a unified teacher training scheme leading to the qualification of *professeur* will be generally introduced in September 1991. Although the new teaching corps will be subdivided into *professeur des écoles* and *professeur du second degré*, all teachers within the corps will enjoy parity of status and salary. **The following description concentrates on the existing procedures.**

Types of school

Full-time education is compulsory for young people aged 6 to 16.

Enseignement élémentaire	age 6-11
Collège	age 11-15
Lycée d'enseignement général et technologique	age 15-18+

Categories of teacher

Teachers are divided into teaching corps according to their qualifications. *Instituteurs* teach solely in primary schools but, although eligibility for a teaching post in different types of secondary schools depends upon the requisite qualifications, there is some overlap between teacher corps and school type. This description will concentrate on teacher corps.

Instituteur/institutrice (primary teacher)

Professeurs certifiés

CAPES (Certificat d'aptitude au professorat de l'enseignment du second degré) holders teach one subject to students aged 11-18, or sometimes at higher education level.

CAPET (Certificat d'aptitude au professorat de l'enseignement technique) holders teach one subject to students aged 11-18.

CAPAPS (Certificat d'aptitude au professorat de l'éducation physique et sportive) holders specialise in the teaching of physical education to students aged 11-18.

Professeurs agrégés (holders of the *Agrégation*) teach one discipline, usually at lycées or in higher education. A teacher of this grade may also be employed in a *collège*.

Teacher status

Teachers are civil servants employed by the State (*fonctionnaires*). They enjoy security of tenure until the official retirement age, but this applies to the professional grade and its associated conditions of service and not to any specific post, institution or even geographical region.

Teacher numbers

The Minister of Education determines the total number of teachers to be employed. Allocations to individual schools are made on the basis of pupil:teacher ratios established nationally for secondary school and harmonised between regional authorities (*académies* and *départements*) for primary school teachers. Incentives may be offered to attract teachers to areas of low recruitment.

Recruitment and appointment

It should be noted that recognition as a qualified teacher (*certification*) and appointment to a post (*affectation*) are separate administrative acts. The competitive examinations (*concours*) leading to qualification and appointment are organised by the Ministry. The allocation of qualified teachers to vacant posts is dealt with by the Ministry for secondary teachers and by the regional authorities (*départements*) for primary teachers.

Applicants for admission to the competitive examinations (*concours*) leading to qualification and appointment must possess:

- French nationality;
- a good knowledge of French;
- good character (i.e. having no criminal record);
- good health.

Certification is based on the relevant *concours* and a satisfactory inspection grade at the end of the first year of service. It is proposed to restrict recruitment of future secondary school teachers to holders of *CAPES/Agrégation* and to encourage existing holders of the *CAPEGC* to upgrade to this level.

The allocation procedure involves newly-qualified teachers as well as those to be redeployed or seeking a transfer. Applicants indicate six locations (individual schools, towns or regions) where they would like to teach. Vacancies are filled by the Ministry for secondary schools or by the *département* authorities for primary schools, who draw up lists of teachers for each grade and discipline. A rank order is established on the basis of qualifications and marks in the relevant *concours* and, in the case of experienced teachers, length of service. Appointments suited to their grade and subject discipline are offered to teachers in rank order. The teacher's domestic circumstances (i.e. size of family) also has a major bearing on the appointment offered.

Probation

All civil servants (including teachers) are assessed throughout their career. Although there is no formal probationary year, the assessment at the end of the first year in post determines the permanent appointment of *professeurs certifiés* and *professeurs agrégés*.

Redeployment and transfer

The authorities are free to redeploy teachers from one school to another, in accordance with the demands of the service. Teaching posts are determined in terms of grade and discipline. Where a school has a surplus of staff in any given grade or discipline, the most

recently appointed teacher in that category enters the transfer process. Redeployment takes place by means of the allocation procedure described. Secondary teachers may be transferred anywhere in the country but primary school teachers are usually redeployed within the same *département*.

Teachers who seek a transfer to another school or area apply at a given time of the year and participate in the allocation procedure described above. Those who fail to secure a transfer must reapply the following year.

Because (broadly speaking) more teachers originate from the southern part of the country, their desire to secure permanent appointments in the south results in teacher shortages in the northern provinces. The authorities are taking steps to motivate teachers to remain in areas where staffing shortages could occur.

Termination of contract

Pre-school and primary school teachers may retire at 55, but must retire at 60. Secondary school teachers may retire at 60, but must retire at 65. This difference results from historical negotiation of conditions of service by the respective teachers' unions. A teacher may retire prematurely on grounds of ill-health.

A teacher cannot be dismissed on grounds of redundancy; supernumerary teachers are allocated to vacant posts elsewhere in the country.

Teachers may be dismissed as a result of disciplinary action, following a serious breach of professional conduct or criminal behaviour. Dismissal removes them from the list of teachers, with the associated consequences for employment and pension.

Federal Republic of Germany

Responsible authorities

Following the reunification in 1990, there are sixteen constituent states or *Länder* in the Federal Republic. The Federal constitution assigns responsibility for initial and in-service education of teachers to the *Länder*. This leads to variations between phases of study, qualifications and employment patterns between the *Länder*. The *Länder* and Minister of Education are conscious of the importance of establishing internal recognition, especially following the mutual recognition of qualifications of regulated professions throughout the European Community in accordance with Directive 89/48/EEC of 21 December 1988.

Types of school

Full-time education is compulsory for young people aged 6 to 15/16; part-time education is compulsory between the ages of 15/16 and 18 years.

Grundschule	age 6-10
Realschule	age 10-16
Hauptschule	age 10-15/16
Gesamtschule	age 10-16/19
Gymnasium	age 10-19

Year-groups do not necessarily correspond to age-groups, as up to 20% of secondary school pupils repeat a year at some stage. The school-leaving age varies between *Länder*, which accounts for the alternative structures in *Hauptschule* and *Gesamtschule*.

Categories of teacher

Grundschule
Grund- und hauptschule
Realschule
Hauptschule
Gymnasium

There is no specific training for teachers at the unselective *Gesamtschule*. Staff employed in these schools hold other teaching qualifications as follows: *Realschule* (30%) *Hauptschule* (40%) *Gymnasium* (27%) and the remaining 3% includes teachers qualified for vocational schools, psychologists or social educators.

Teacher status

German teachers are normally employed in the service of one of the *Länder*. The legal status of Federal civil servants is laid down in the Federal Civil Servants' Act (*Bundesbeamtengesetz*), that of *Land* civil servants in the relevant laws of the *Länder*. The Framework Act on the Standardisation of Civil Service law (*Rahmengesetz zur Vereinheitlichung des Beamtenrechts*) ensures that the provisions are largely similar on essential aspects.

In some *Länder* different procedures are used for different categories of teachers. For instance, in Bayern, a distinction is made between teachers employed by the State and those employed by the local boards (*Kommunale behorden*).

As civil servants (*Beamte*), teachers in the FRG are guaranteed employment throughout their active professional life. In return for the privileges accorded to civil servants, teachers have no right of strike action. As professionals, teachers are expected to attend in-service education on a voluntary basis.

Exceptionally, teachers may be employed as non-tenured staff (*Angestellte*), but such teachers form a small minority of the total number (e.g. in Nordrhein-Westfalen, 92.01% of teachers are civil servants), not least because of the acknowledged advantages of civil service status.

In anticipation of the Single European Market from 1 January 1993, discussions are being undertaking to establish whether teachers should be civil servants or non-tenured staff. It is argued that the sovereign jurisdiction (*Hoheitsrecht*) which teachers exercise over pupils should only be entrusted to civil servants. The aspects referred to include testing and grading, determining promotion of pupils to the next class and grades for school-leaving or training qualifications, which may have far-reaching consequences.

A civil servant's appointment may be made on the following terms:

a) a permanent appointment;
b) a fixed term contract;
c) on probation, if a probationary period has to precede permanent appointment;
d) unconfirmed, if a civil servant has to complete a period of probation or is assigned to duties on a subsidiary or temporary basis.

Teacher numbers

The number of teachers to be employed per school is based on the number of pupils in the school. In each *Land* there is a student:teacher ratio for each school type. The number of teachers required is also affected by the number of compulsory lessons per curriculum subject (*Pflichtstunden*) to be taught by teachers of different categories. In a given school, there may be *Studienrate* who teach 24 hours per week and *Realschullehrer* who teach 26 hours per week. Teachers over the age of 50 enjoy a lighter timetable.

Increases in pupil numbers in the 1960s led to heavy recruitment amongst teachers. By the 1980s, the sharp decline in pupil numbers (11.75m in 1980 to 9.28m in 1987) resulted in teacher unemployment and prospective teachers were advised to consider alternative employment.

Recruitment and appointment

The *Länder* authorities are responsible for the recruitment and appointment of teachers to schools. The criteria for appointment include:

* German nationality and a good knowledge of the language;
* guarantees that the teacher will uphold the principle of freedom and democracy within the meaning of the Constitution at all times;

* the marks achieved in the First and Second State Examinations (leading to qualified teacher status, in at least two teaching subjects).

The normal method involves allocation to vacant posts by regional authorities in accordance with the criteria laid down by the Ministry in each *Land*. Where possible, consideration is given to teachers' expressed preference.

Probation

Under civil service terms of employment, a permanent appointment can only be made to those who have satisfactorily completed a probation period and are aged over 27. A teacher whose performance on probation has been unsatisfactory may be dismissed. A probationary term must be commuted to a permanent contract after 5 years at the latest, if the individual complies with the relevant requirements of civil service law.

Redeployment and transfer

Teachers may be redeployed from one school to another if the teachers' council has been given prior notice. Redeployment is subject to the relevant civil service staffing regulations. Before a transfer can take place, the teacher and the head teachers of both schools involved are interviewed by the school inspector.

Teachers are not transferred to administrative or inspectoral functions against their will; on the contrary, they must apply when vacancies arise.

Promotion or transfer to other posts within the same *Land* are based on the number of years of teaching experience and performance grade. A teacher seeking a transfer to a school in a different *Land* is subject to the inter-state exchange procedures (*landerubergreifendes Austauschverfahren*) agreed by the Education Ministers in the *Länder* principally to (re)unite families. This exchange procedure involves finding a teacher willing to participate in a bilateral exchange and securing the recognition by the authority of each receiving *Land* of the incoming teacher's qualifications.

Transfers are arranged in order of precedence: demand, teacher competences, and the length of time since qualification.

Exceptionally, teachers may be admitted from another *Land* without a corresponding exchange, for instance to overcome local shortages in given subject areas. Teachers who have qualified in other *Länder* but who are not in post may also be appointed to meet this need.

Termination of contract

Teachers must retire at 65, but under special circumstances, they may take premature retirement at 62. Premature retirement on grounds of ill-health follows if the teacher becomes unfit for service.

A teacher who is declared redundant is transferred to another school by the regional administrative authority.

The regional administrative authority takes disciplinary action against a teacher who is declared incompetent. In exceptional cases, dismissal may result from the formal disciplinary procedure.

A teacher's contract may be terminated if he/she:

- loses German nationality;
- refuses to take the oath of service laid down by law or a solemn affirmation prescribed in lieu thereof;
- loses civil servant rights through conviction of a deliberate criminal act resulting in custodial sentence for at least one year; conviction of breach of the peace, high treason, endangering democracy and law and order, or treason and endangering external security, leading to custodial sentence of at least six months;
- moves abroad or takes up long-term residence abroad without his/her employers' permission.

Greece

Responsible authorities

The Ministry is responsible for the recruitment and appointment of teachers to both primary and secondary schools but the education authorities at every Prefecture share some responsibilities for the management of teachers. Issues regarding teachers' duties are dealt with either by a Regional Service Board in each Prefecture or by a Central Service Board of the Ministry of Education comprising heads of education authorities, *secretariats*, schools and two elected teacher representatives.

Types of school

Education is compulsory for children aged between five and a half years and fifteen years.

Demotika	age 5½-12
Gymnasia	age 12 -15
Lycea	age 15 -18
E P Lycea	age 15 -18

Categories of teacher

Daskalos (primary school)
Kathigites (secondary school)

Teacher status

Teachers are civil servants with security of tenure.

Teacher numbers

The Minister determines the number of posts available in each teaching discipline in accordance with the school sections, the number of teaching periods and the minimum qualifications required. The education authorities at every Prefecture determine the number of posts for each school according to its size.

Recruitment and appointment

The Ministry is responsible for the recruitment and appointment of teachers to both primary and secondary schools.

The criteria for appointment include:

- Greek nationality;

- a degree from the *AEI* pedagogics section for teachers or other approved Greek institution, or a recognised overseas qualification;
- evidence of competence in the Greek language and knowledge of Greek history;
- age between 20 and 40 on application. Exceptionally, those aged between 40-45 may apply if they have been employed in the public sector for at least five years.

Graduates submit their applications to the *secretariats*. The Ministry draws up an annual list of those eligible for appointment, ranked according to the grade of the degree and then the date of the application, which counts as the date of registration in the relevant service. Applicants in certain categories (i.e. those with post-graduate qualifications, war veterans or their children, those with large families or the children of large families) receive priority in the annual list regardless of the grade of their degree.

Teachers who do not accept an offer of a post within one year of the offer being made may not apply again until two years have passed. Members of Parliament, mayors, community presidents, municipal and communal advisors may decline an offer of appointment made during their term of office.

Applicants' preferences for the region in which they would like to be located is taken into consideration at the time of appointment, provided a suitable vacancy exists.

Primary school teachers teach all subjects except foreign languages, physical education and art, which are taught by specialist secondary school teachers. A circular issued in 1989-90 states the intention to link the specialist qualifications of secondary school teachers to their teaching subjects with a view to improving the quality of education, but this does not influence a teacher's appointment to a permanent post.

Probation

Teachers in Greece serve a probationary period of two years.

Redeployment and transfer

Education authorities and *secretariats* may redeploy teachers in the interests of the service, but only to schools or services (administration, inspection, teacher training) within the same Regional Service Board.

Teachers who wish to be transferred submit an application to the Regional Service Board (for transfers within the same Prefecture) or to the Central Service Board (for transfers between Prefectures).

Termination of contract

Teachers are subject to the same regulations governing dismissal as other public servants. They must retire on completion of 35 years' service or on reaching the age of 65, but may take premature retirement on health grounds.

Redundant primary teachers are not dismissed but may be redeployed to another school in the same educational region or employed in a super-numerary capacity. In secondary education there are no redundant teachers.

A school may need to dismiss a teacher due to incompetence on health grounds at the decision of the Special Medical Committee. The Central Service Council examines all the evidence and invites the person concerned to hearings. On the recommendation of the Council, the Minister of National Education and Religion may dismiss the teacher for inefficiency in carrying out his/her duties.

Alternatively, the Central Service Council may recommend that a teacher who has completed between 7 and 25 years of pensionable service be assigned to administrative duties in the education service. The Ministers of Education and Finance may jointly establish such a post, which is withdrawn on the retirement of the incumbent.

Any teacher may be formally dismissed:

* by the Central Service Council on the recommendation of the regional authorities, following unsatisfactory grades on 2-3 assessments;
* if he/she is found guilty of fraudulently obtaining the post.

Ireland

Responsible authorities

Secondary schools in Ireland are private institutions, subsidised by the State. Traditionally, these schools have provided an academic (or grammar school) type of education but more recently they have introduced 'some technical and practical subjects'. *Comprehensive schools* and *community schools* are similar and combine features of both *secondary* and *vocational schools*. Both provide a varied curriculum embracing practical and academic subjects and cater for all secondary age children in their areas.

Primary school teachers are employed by the school's *Board of Management* (comprising the Patron, usually the Bishop, parents and teachers). *Secondary school* teachers are employed by the individual *school Board*.

Types of school

Full-time education is compulsory for young people aged 6 to 15.

Primary	age 4-12
Secondary	age 12-19

Categories of teacher

Primary
Secondary

Teacher status

Teachers in Ireland are not civil servants and are not guaranteed employment throughout their active professional life. The contracts offered to *primary school* teachers may be one of four types, although all appointments are for full-time posts:

a) permanent employment;
b) temporary employment;
c) substitute employment (to cover maternity or sick leave etc.);
d) probation.

Teacher numbers

The Minister for Education determines the minimum number of state-funded teaching posts, known as *incremental posts*, available per school in accordance with the number of recognised pupils in the school. A *secondary school* may, and normally does, employ teachers in addition to the minimum.

Recruitment and appointment

Applicants must provide evidence of:

- qualified teacher status, by means of registration;
- good character;
- competence in spoken Irish.

Registration is granted on the basis of a degree and a teacher training or other approved qualification and completion of probation. Although registration is not essential for teachers in *vocational, comprehensive* and *community* schools or for non-incremental teachers (i.e. those who are paid from school and not from public funds) they, in common with all teachers, must be approved as fully qualified by the Department of Education.

Applications in response to advertised vacancies are sent to the *Board of Management* of the school. The chairman of a *Board of Management* must ensure that there are no teachers available for redeployment within 45 km of the school (see *the Panel* below).

Probation

Newly-trained *primary school* teachers undergo a probationary period lasting a minimum of one year and a maximum of five years from the date of first permanent appointment, excluding substitute work. Completion of probation for national school teachers is subject to:

a) satisfactory continuous service of at least one year;
b) satisfactory service of not less than 300 schools days, where service is not continuous.

Two reports are furnished on a teacher's work: an incidental report during the first half of the probationary period and a General Inspection report during the second half of the probation. The probationary period may be extended at the request of the teacher in consultation with the Inspector or at the Inspector's discretion, to a maximum of five years. If the General Inspection report is unsatisfactory the teacher will be required to commence the probationary period again, as from the date of the General Report. On satisfactory completion of probation, the Department of Education awards the *Diploma in Teaching*.

Teachers appointed to *incremental* posts in *secondary schools* must be registered, or eligible for registration, with the Registration Council, by virtue of holding the academic and professional teaching qualifications and having satisfactorily completed one year's probation. In approved cases, continuous service for a minimum of three months as a substitute teacher counts towards the completion of probation.

Redeployment and transfer

If *primary school* enrolment falls below the required level for four successive quarters, the name of the most recently appointed teacher is placed on *the Panel*, a central diocesan register listing the names of redundant teachers. The teacher continues to work in the school in a supernumerary capacity. These teachers must be given priority when filling

a vacancy which occurs within 45 km of the school. Teachers who decline such an offer of employment are deemed to have voluntarily resigned.

Permanent full-time national school teachers are not eligible for redundancy payments.

A teacher seeking a transfer responds to an advertised vacancy in the normal way.

Termination of contract

Teachers must retire on reaching the age of 65, but they may retire earlier on health grounds.

Teachers with at least one year's service are protected under the terms of the Unfair Dismissals Act 1977, which requires the employer demonstrate substantial grounds for dismissal resulting from lack of capability, competence or qualifications of the employee for the work he or she was required to do or from the employee's conduct or if continuation of employment would contravene another statutory requirement.

Dismissals are unfair if they result wholly or mainly from: trade union membership or activities; religious or political opinions; race or colour; legal proceedings against an employer involving an employee; unfair selection for redundancy; or pregnancy. An employee may appeal against unfair dismissal to the Rights Commissioner, a tribunal or a court circuit, which can award reinstatement; re-engagement in the same post (or a suitable alternative); or financial compensation with a maximum of two years' pay.

If a school closes voluntarily, *the Panel* arrangements do not apply. The teachers are declared redundant and their contracts are terminated .

Italy

Responsible authorities

The Ministry of Education (*Ministerio della Pubblica Istruzione*) is responsible for the recruitment and appointment of teachers to schools although the provincial authorities are involved in identifying the demand and in organising the competitive recruitment examinations (*concorsi*) for applicants with the necessary qualifications.

Types of school

Compulsory education in Italy ends at age 14. There are proposals before Parliament to raise the school leaving age to 16 and to provide university level training for all teachers.

Scuola elementare	age 6-11
Scuola media	age 11-14
Scuola media superiore	age 14-19

(comprises various types of post-statutory institutions, including the *liceo* and *istituto tecnico*).

Categories of teacher

Scuola elementare
Scuola media
Scuola media superiore

Teacher status

Permanent teachers in Italy are civil servants, appointed and employed by the State. On successful completion of the probationary year, they receive a permanent appointment (as *insegnante di ruolo*) which entitles them to security of tenure.

There is a category of interim teachers who may be appointed to temporary posts, but who have not passed the competitive examination (*concorso* - see below) and do not enjoy the security of tenure and status of *insegnanti di ruolo*.

Teacher numbers

The Ministry of Education determines the number of teachers to be employed on the basis of information provided by schools and regional offices. Children must be enrolled for school in the January preceding their admission. The number of teachers required is determined on the basis of anticipated pupil numbers.

Recruitment and appointment

Admission to the register of teaching staff for primary and secondary schools is by means of a competitive examination (*concorso*) which takes place after the assessment of candidates' educational qualifications: initial teacher training in the case of primary

teachers and the degree (*laurea*) in the case of secondary teachers. *Concorsi* are organised on a regional or provincial basis. They comprise oral and written tests, which differ according to the type of educational institution and discipline. The general conditions for access to *concorsi* for public sector employment are:

* Italian citizenship;
* age between 18 and 40;
* respectable behaviour;
* physical fitness;
* enjoyment of civil rights;
* the required educational qualification;
* completion of military service obligations.

As from July 1989, there is a dual method (*Doppio Canale*) for recruiting teachers, each accounting for 50% of the available appointments.

Every three years, the provincial authorities organise *concorsi* for applicants with the necessary qualifications. Those who achieve the required level are awarded qualified teacher status *(abilitazione*) and placed on a list in rank order of their grade. Permanent teaching posts are then offered to successful candidates, starting at the top of the list. This list is recompiled every three years.

The alternative procedure also accounts for 50% of appointments. A list is drawn up of those who hold the *abilitazione* (qualified teacher status) and who have completed at least 360 days (two years) of teaching service on temporary contracts in the three years preceding the selection. This list is updated triennially.

Teachers are normally appointed to schools within a given region but they may request appointment in another region. The most highly-graded teacher in a given discipline has the best opportunity of acquiring a post in the desired area. Although teachers' preferences are taken into consideration, the security of tenure and its guaranteed salary, means that the national authorities can assign teachers to any post as they see fit.

Special consideration is given to teachers with handicaps or those whose domestic circumstances warrant it. Teachers on the classification list have precedence over others in the assignment of annual substitute teaching positions.

When there are no names remaining on the two lists of the *Doppio Canale*, remaining vacancies may be filled by individuals on temporary, annual contracts.

Probation

Those who succeed in the *concorsi* are admitted to the teaching profession as posts become available. The confirmation of their permanent appointment is subject to successful completion of a one-year probationary period (*anno di formazione*), which commences when they take up their appointment. During this period, trainees (who are paid a salary) carry out teaching duties and follow a training course which gives them additional background in educational theory and teaching methods. The courses are organised by the regional centres for education research, experimentation and in-service training (known as *IRRSAE*)and may take place at the school itself. The content and nature of the courses vary. Performance is assessed at the end of the probationary year and, if judged satisfactory, the teacher's permanent appointment as *insegnante di ruolo* is confirmed.

Redeployment and transfer

Teachers have guaranteed tenure but not in a specific post. Authorities may transfer teachers, especially those classified as supernumerary, to posts in another school or elsewhere in the public service. Such transfers are generally within the same region.

Teachers who seek a transfer to another school or a post elsewhere in the public service (in accordance with the 1989 mobility law) must apply to the authorities at a specified period of the year. The authorities then consider the applications received, together with those of newly-qualified teachers, and appoint staff to the vacancies in accordance with the criteria listed above. The highest ranking teacher has first choice of the posts available and so on.

Termination of contract

All teachers must retire on reaching the age of 65.

A permanently appointed teacher cannot be dismissed due to redundancy but may be classified as supernumerary (*soprannumero*) and transferred to another teaching post or, under the 1989 mobility law, to a post elsewhere in the public service.

Teachers' competence is assessed during the probationary period. It is therefore exceptional for dismissal due to incompetence to occur. However, a teacher may be formally dismissed following disciplinary action by the national authorities.

Luxembourg

Responsible authorities

The Minister of Education and the Minister of the Civil Service are responsible for the employment of teachers in public education. They appoint secondary school teachers and approve the appointment of pre-school and primary school teachers by the *communes* (local councils).

Types of school

Full-time education is compulsory for young people aged 5 to 15, although a formal distinction is made between the year spent in a pre-school establishment and the nine years in primary and secondary schools. Nursery school teachers are therefore included in this description.

Education pré-scolaire	age 4- 6
Enseignement primaire	age 6-12
Enseignement post-primaire	age 12-19

Categories of teacher

Instituteurs de l'éducation pré-scolaire
Instituteurs de l'enseignement primaire
Professeurs de l'enseignement post-primaire

Teacher status

Distinctions are made between pre-school and primary teachers on the one hand and secondary teachers on the other. However, the conditions for access to training and employment of secondary teachers, whether in general, technical or vocational education, are the same.

Teachers are civil servants and subject to the laws of 16 April 1979 and 14 December 1983. A teacher who fails, or ceases, to fulfil the criteria required for public office may be dismissed from his/her post. Once they have been permanently appointed, teachers are guaranteed employment until retirement.

Teacher numbers

The Minister of Education annually sets the number of admissions to pre-school and primary teacher training at the institute of advanced educational studies and research (*Institut Supérieur d'Etudes et de Recherche Pédagogiques ISERP*), which guarantees employment for all those accepted. Candidates are placed in rank order according to the marks obtained in the examinations in all subjects.

A permanent commission makes annual recommendations regarding demand for secondary school teachers in each of the following five years as part of a rolling programme, adjusting the previous year's proposals as necessary. The number of teaching posts is based on pupil numbers, the number of lessons required to be taught and the need for supply teachers to cover sickness, absence and the supervision of student teachers.

The Minister also considers the age profile of the teaching force and therefore the number of teachers due to retire during the five years in question and accordingly sets admission levels for teacher training in each subject discipline, within the total number allowed in the budget for that year.

The number of teachers in training and estimated number of vacancies in each discipline of secondary education for the forthcoming three years determine the number of students admitted to the second, professional, phase of training. Where the number of applicants exceeds the available places a rank order of candidates is established on the basis of:

a) secondary school certificate results;
b) university admission examinations;
c) results in the competitive recruitment examination (*concours de recrutement*) which counts for at least 50% of the final rank.

Recruitment and appointment

Recruitment consists of two elements: *nomination* to the profession of teacher and *affectation* or allocation to schools. Controls are exercised on admissions to teacher training. The formal criteria influencing appointment as a civil servant include:

* Luxembourg nationality and civil and political rights. Foreigners may be employed on the same salary, but without tenure;
* guarantee of appropriate moral standards;
* satisfactory medical record to meet requirements of the post;
* competence in Letzeburgesch, French and German.

Criteria specific to teachers are:

* performance in examinations prior to admission to training;
* qualified primary or secondary teacher status and specialised qualifications (*brevets*) where appropriate;
* seniority (i.e. years of service).

Qualified teachers may be appointed to vacant teaching posts in order of seniority (i.e. date of passing training assessment). Once appointed to the permanent teaching staff, a student's period of teaching practice counts towards pensionable service. A teacher may be appointed to a temporary or a permanent post. Temporary appointments are effective only for the duration of the initial contract but they are considered permanent after two years, unless the teacher has not furnished sufficient proof of capability and aptitude.

Vacancies for **primary teachers** ***(instituteurs de l'éducation pré-scolaire and instituteurs de l'enseignement primaire)*** are listed in the *Courrier de l'éducation nationale*, which is circulated to all primary school teachers. Applications are submitted to the *communes*.

Where several applications are received, the *commune* council recommends the three best qualified applicants. The area inspector ranks the applicants for each post according to their qualifications, the grades obtained in examinations and the performance grades awarded by the inspector during the preceding two years.

Secondary teachers ***(professeurs de l'enseignement post-primaire)*** are appointed by the Minister after completion of all phases of training, in rank order based on seniority (i.e. date of completion of training), marks obtained and age.

Teachers' expressed preferences are taken into consideration but it may be necessary to appoint teachers to schools other than those requested and most secondary school teachers start their career in technical *lycées*, progressing to general or classical *lycées* after some years of service.

Probation

There is no probationary period as teachers' performance has been fully assessed prior to permanent appointment.

Redeployment and transfer

As civil servants, teachers may be redeployed in the interest of the service but the new post must not involve a reduction in salary or rank (as compared with the previous post). The individual's views must be taken into consideration before a transfer is made. Where a change involves relocation, the teacher will be reimbursed in accordance with regulations. A teacher who refuses a new post is deemed to have resigned.

Teachers cannot be compulsorily redeployed to other educational functions, although they are sometimes selected to serve as a *professeur attaché* to the Minister to conduct research into specific issues.

A teacher may request a transfer to take effect from the following school year. Such a transfer is subject to there being a suitable vacancy in the chosen school for which no other teacher requesting transfer has priority by virtue of seniority or special needs (e.g. medical). A teacher may therefore apply several times before a transfer is granted.

The process involves ranking applicants on the basis of length of service, additional qualifications (*brevets*) and the two most recent performance appraisal grades. Teachers may neither seek nor accept a post in another commune within two years of appointment without the consent of the commune and the government.

Termination of contract

A teacher must retire on reaching the age of 65 or earlier if this is desirable on grounds of ill health.

Redundancy does not result in dismissal unless a teacher refuses to accept redeployment offered in accordance with the regulations.

A teacher may be dismissed as a result of:

- poor performance, abandonment of professional responsibilities or disciplinary action following serious malpractice (*la révocation*);
- loss of Luxembourg nationality;
- residence abroad without permission;
- loss of civil or political rights e.g. those mentioned under Article 31 of the penal code, following a conviction which merits imprisonment of more than one year; or if the activities of the teacher's spouse are incompatible with the service of the state and the teacher cannot guarantee that these activities will be terminated.

The contract of student teachers who have failed their teacher training or who, on completion of their teaching practice, have not found a post may also be terminated.

Netherlands

Responsible authorities

The legal status of non-university staff in the education service is regulated by the Legal Status (Education) Decree [known as the *RPBO*], which applies directly to staff employed in public schools (i.e. those maintained by the state or by municipal councils). Dismissal is regulated by Chapter II-D of the Decree.

The State is the substantive employer both in public and private schools because it defines the outlines of the conditions of employment. Teachers are classified as government employees either formally (in public schools) or substantively (in private schools) in that all finance-related conditions of employment such as salaries and salary scales, fringe benefits, pension rights etc. are determined by the State.

The recruitment and appointment of teachers is the responsibility of the *competent authorities* i.e. municipality or the religious or charitable body which established the school.

Types of school

Full-time education is compulsory for young people aged 5 to 16; part-time education (two days per week) is compulsory for a further year. Pupils may be admitted to primary school from the age of four.

Basisschool	primary education for pupils aged 4-12.
MAVO	*middelbaar algemeen voortgezet onderwijs* = A four-year course of basic general secondary education for pupils aged 12-16.
HAVO	*hoger algemeen voortgezet onderwijs* = A five-year course of general secondary education for pupils aged 12-17 which grants access to certain courses of higher education, including teacher training.
VWO	*voorbereidend wetenschappelijk onderwijs* = A six-year course of pre-university education for the most able students aged 12-17.

Categories of teacher

Leraar Basisschool (Primary)
2e graads leraar voortgezet onderwijs algemene vakken (Lower Secondary i.e. *MAVO*, years 1-3 of *HAVO* or *VWO*)
1e graads leraar voortgezet onderwijs algemene vakken (Upper Secondary i.e. including years 4-5 *HAVO*, years 4-6 *VWO*)

Teacher status

Teachers are formally employees of the *competent authority*. There are still some state secondary schools whose staff are state employees, but responsibility for these is gradually being passed to municipalities. Teachers do not have security of tenure but for

pension purposes, teachers in both public and private schools are treated as civil servants. The *competent authority* of an education institution which receives a financial subsidy from the state must, as a condition for such subsidy, incorporate the provisions of the *RPBO* into its staff employment contracts.

Teacher numbers

The Minister determines the number of secondary teachers required for each grade and discipline on the basis of pupil numbers and the number of lessons per discipline allocated to different classes in each type of school. Staffing is allocated in units of half a day (i.e. 4 teaching hours).

Minimum compulsory staffing for primary schools is calculated on the basis of weighted pupil numbers (the higher of the following: the sum of weighted pupils, less 9% of the total number of pupils, rounded down; or the total number of pupils). Pupil numbers are weighted according to the following scale:

1.0 Dutch citizens without recognisable socio-economic disadvantage.

1.25 Dutch citizens with socio-economic disadvantage, having two of:
father or guardian educated up to *LBO* level only;
mother or guardian educated up to *LBO* level only;
principal salary earner is unemployed or mainly employed in manual labour.
(*LBO* is lower vocational education. Children from single parent families need meet only one criterion.)

1.4 Dutch citizens in boarding school or foster homes because their parents are employed on river craft.

1.7 Pupils with traveller background.

1.9 Pupils from ethnic minorities:
a) European and North African;
b) Former Dutch territories e.g. Surinam, Dutch Antilles, Aruba;
c) Political refugees;
d) Non-English speaking out-of-Europe **excluding** Indonesia.

Additional teaching hours (and other resources) may be provided for those schools and neighbourhoods which have the most serious educational and social disadvantages and whose pupils have above-average difficulties in accordance with the education priority policy, introduced in 1985-6.

In addition to the criteria mentioned above, which automatically attract additional staffing, special provision may be made to support: children with physical or mental handicaps; recently-arrived foreign children; curriculum development projects; and schools during periods of transition e.g. following amalgamation.

Recruitment and appointment

Dutch nationality is not essential, but criteria for appointment include:

* competence in the Dutch language, which is normally safeguarded by insistence on a qualification obtained in the Netherlands or in the Dutch-speaking community of Belgium. Even where ministerial approval is granted for other qualifications, the linguistic competence criterion must still be met;

- evidence of good conduct;
- a qualification in accordance with article 116 of the *RPBO* or equivalent, or by Ministerial dispensation (which may be subject to conditions or restrictions). Teachers must be qualified to teach a minimum number of subjects (1 or 2 depending on type of school and age of pupils);
- a medical certificate showing good health.

Experience other than teaching may be relevant for those seeking to teach in vocational or technical schools.

Applications are submitted to the *competent authorities* in response to advertised vacancies.

Probation

There is no formal period of probation although a permanent appointment can only be confirmed after one year. When a teacher transfers to another post, no further year's service is required before confirmation.

Redeployment and transfer

A *competent authority* may redeploy a teacher who has been declared redundant and is in receipt of a safeguarding salary to a suitable post in another school. A teacher who refuses to accept this appointment will lose his/her right to the safeguarding salary. A suitable post is defined in terms of subject discipline, working hours (full or part-time), distance from the teacher's home and type of school.

Teachers who wish to transfer to a post (for which they hold the requisite qualification) in another school must apply to the relevant school in response to vacancies advertised in the national press.

Termination of contract

A distinction is made between mandatory dismissal, which governs the termination of a teacher's contract on grounds of age, ill health or redundancy and discretionary dismissal, which governs the *competent authority*'s decision to terminate a teacher's contract on grounds of incompetence, misrepresentation, etc.

A teacher's contract is terminated on reaching the age of 65 or earlier if he/she is declared unfit for work under the terms of the General Civil Servants Pensions Act.

A *competent authority* which needs to dismiss a teacher due to school closure, the abolition of the post, or changes in the organisation of the teaching or the service provided by the school, whereby the teacher becomes redundant, follows the procedures for mandatory dismissal.

A *competent authority* which needs to dismiss a teacher found to be seriously incompetent or unsuitable for the post in question, follows the procedures for discretionary dismissal.

Any teacher may be formally dismissed:

- following disciplinary action;
- if he/she has been given an irreversible prison sentence;
- on grounds of misrepresentation in the application or medical certificate on the basis of deliberately incorrect or incomplete information, unless more than six months have elapsed since the fact came to light.

The dismissal of teachers in privately-run establishments is governed by provisions in the Civil Code and clauses in the contract of employment.

Portugal

Responsible authorities

The Ministry of Education is responsible for the recruitment and appointment of teachers to schools.

Types of school

Education is compulsory for children aged between 6 and 12 years. The school leaving age is being raised to 15, starting with those pupils who enrolled in the first year of Basic Education in the school year 1987/88.

Ensino Basico	*1° ciclo*	age 6-10
	2° ciclo	age 10-12
	3° ciclo	age 12-15
Ensino Secundario Geral		age 15-18

Categories of teacher

Ensino Basico	*1° ciclo*
	2° ciclo
	3° ciclo
Ensino Secundario Geral	

Teacher status

Teachers may be part of the permanent national teaching corps (*efectivos*) or linked to a region (*efectivos do quatro distrital de vinculaçao*), but the same recruitment method is generally followed. An appointment may be offered in one of three categories:

a) *efectivos de nomeaçao definitiva* - permanent;
b) *efectivos de nomeaçao provisoria* - probation with a view to permanent appointment;
c) *contratados* - fixed-term contract.

Teachers in state schools are covered by civil servant legislation which covers state employees. They are guaranteed tenure from the moment they are appointed to the grades of *efectivos* (primary teachers) or *efectivos de nomeaçao provisoria* (preparatory and secondary school).

Teacher numbers

The Ministry of Education annually publishes the regulations governing recruitment. Schools may request additional staffing on the basis of the number of pupil enrolments and the characteristics of the school, (i.e. the disciplines taught) and the characteristics of students (i.e. age, special needs) and the level of the teachers' career.

Recruitment and appointment

The Ministry is responsible for the recruitment and appointment of teachers to schools. The criteria for appointment include:

- Portuguese or Brazilian nationality;
- a good knowledge of the Portuguese language;
- qualified teacher status is essential for any permanent post and any years of experience are taken into consideration.

The authorities allocate teachers to posts in rank order of grades and, where possible, according to a teacher's expressed preferences. A teacher may be offered an alternative, but has no right of veto. The place of work of a spouse, if a civil servant, is also a determinant in allocation to a given establishment.

Probation

Teachers serve a one-year probationary period. For secondary teachers training under the in-service scheme, this period appears to include the in-service qualifying period and to be subject to extension.

Redeployment and transfer

By law, the Ministry of Education may redeploy a teacher to a school of a similar level within the same parish, village or town. The employing authority may also appoint a teacher to the administration or to the inspectorate.

Teachers who seek a transfer apply to the authorities through the recruitment process for the following year. Their application may or may not be granted.

Termination of contract

The compulsory age of retirement for civil servants is 70, although there may be exceptions. Ill-health may lead to premature retirement.

Generally speaking, redundant teachers are redeployed. In exceptional circumstances, when there are not enough teachers willing to be redeployed to avoid redundancy, teachers with the lowest level of qualification are dismissed.

If a teacher's performance is unsatisfactory due to incompetence, a process of educational/professional guidance is initiated. If the results are not satisfactory, disciplinary action follows.

Spain

Responsible authorities

Responsibility for education lies with the eight *administrations*. These are the Ministry of Education (acting for 27 provinces under its control) and the seven autonomous communities with devolved responsibilities in education (Andalucia, Canarias, Catalonia, Galicia, Navarra, Pais Vasco and Valencia). The rights and duties of teachers in public sector education are laid down by the organic law on the right to education (*LODE* 1985) and the law of university reform (*LRU* 1983). Conditions of service of teachers in private education are laid down in collective agreements.

Legislation passed in 1990 will raise the school leaving age to 16 years and introduce a restructuring of schools into three phases: *EGB* for pupils aged 6-12 years; a compulsory period of secondary education for pupils aged 12-16 and a post-statutory phase for those aged 16-18. The *Curso de Orientacion Universitaria (COU)* will be discontinued. Following the implementation of the new system, the *Cuerpo de Maestros* will teach up to the first cycle in lower secondary education i.e. up to 14 years of age as now. The *Cuerpo de Profesores Agregados de Enseñanza Secundaria* will teach students from 14-18 years.

The following description applies to the employment and management of teachers prior to the implementation of this new legislation.

Types of school

Educacion General Basica (EGB)	age 6-14
Enseñanzas Medias	
Bachillerato Unificado Polivalente (BUP)	age 14-17
Curso de Orientacion Universitaria (COU)	age 17-18

Categories of teacher

Maestros (formerly *Profesores de EGB*) teach in pre-school education and *Educacion General Basica (EGB)*
Profesores Agregados de Enseñanza Secundaria teach in the *BUP* and *COU*.

(Comprising former Profesores Agregados de Bachillerato and *Profesores Agregados Catedraticos Numerarios de Bachillerato)*

Teacher status

Teachers may be appointed to serve in one of three categories:

a) as members of the *cuerpo de funcionarios docentes*, which accords (full) civil servant status and guarantees employment until the statutory retirement age;
b) as *funcionarios en practicas* during one year's formal probation;
c) as *contradados*, on a fixed term temporary contract with no civil servant status.

Teachers are employed by the eight *administrations*, which determine salary scales and conditions of service, and which decide matters of promotion, transfer, discipline etc. in the case of the *cuerpo de funcionarios docentes* and of the *contratados*, who are appointed when the number of vacancies exceed the number of suitable *funcionarios docentes* available.

Teacher numbers

An annual plan is drawn up by the eight *administrations* to determine staffing needs which take into account natural wastage (from resignations, retirement, death) and pupil numbers. Negotiations are undertaken with teacher unions about improved pupil:teacher ratios for some regions and programmes (e.g. under the integration of handicapped pupils into ordinary schools programme, additional teachers are appointed when a given number of handicapped pupils is admitted to one school).

Recruitment and appointment

The procedure described applies to those teachers seeking permanent appointment to the *cuerpo de funcionarios docentes*. The criteria for appointment include:

* Spanish nationality. This implies competence in the Spanish language, as nationality is not granted to those who do not speak Spanish;
* qualified teacher status (i.e. holders of the *Diploma de Profesor de Educacion General Basica;* holders of the *Licenciatura en Pedagogica;* holders of a *Licenciatura* in another discipline plus the *Certificado de Aptitud Pedagogica*; or holders of a *Licenciatura* in any approved discipline who have completed at least one year's teaching in an upper secondary school (*centro de ensenanzas medias*);
* successful completion of the relevant *concurso-oposicion.*

There are no formal requirements governing health or good conduct.

The recruitment procedure applies to both primary and secondary teachers but the content of the examination differs according to the sector. The *concurso-oposicion* is the process whereby an individual secures qualified teacher status and his/her first appointment. The *concurso* requires all candidates to submit a dossier including evidence of their qualifications and experience as a temporary teacher, if applicable. These elements are graded according to a points system. Although the dossiers are ranked, no candidates are eliminated at this stage. The *oposicion* is eliminatory. Since the award of qualified teacher status is not limited to available vacancies, appointment may be subject to delay.

Holders of the *Licenciatura* (plus *Certificado de Aptitud Pedagogica* if appropriate) may be employed in either primary or post-primary schools and some take the *concurso-oposicion* for both sectors to ensure a better chance of success.

Primary teachers *(EGB)* require at least the *Diploma de Profesor de Educacion General Basica*. The *oposicion* comprises three tests, which progressively eliminate less successful candidates:

(i) evidence of professional aptitude (*madurez profesional*):
- a written report on a teaching project in the first or middle phase of *EGB*
- a viva on the written project by a panel of examiners;

(ii) a written test on the specialist area studied during initial teacher training (i.e. either: philology, humanities, sciences, special education or pre-school education);
(iii) a test of the teacher's knowledge and understanding of the legal aspects, administration, organisation and institutions of the education system.

Secondary teachers ***(Profesores Agregados de Enseñanza Secundaria)*** require a *Licenciatura*, plus *Certificado de Aptitud Pedagogica* if appropriate. The *oposicion* for secondary school teaching comprises:

(i) written examination comprising an essay and replies to a series of questions;
(ii) an oral presentation of a topic in the form of a public lecture.

Probation

During the first year's service, teachers are formally civil servants on probation (*funcionarios en practicas*). At the end of this period, their appointment to the *cuerpo de funcionarios docentes* is confirmed.

Redeployment and transfer

The *administrations* may redeploy a teacher to another school within their jurisdiction.

The voluntary transfer of a teacher from one region or school to another is governed by the transfer procedure *(concurso de traslado)*. Those seeking transfer must make a formal application, listing their qualifications and experience, and indicating the locality (in the case of teachers of *EGB)* or school (for teachers of *BUP/COU*) in which they wish to serve. To avoid excessive disruption to pupils' schooling, no application for transfer may be made until the teacher has served at least one year in the school. Where the number of applications exceeds the number of places available, the total of points accumulated through qualifications and experience is taken into consideration.

Termination of contract

Teachers retire on reaching the age of 60 (women) or 65 (men). Premature retirement on grounds of (physical or mental) ill health (certified by the appropriate medical authorities) may be granted in accordance with the regulations governing all civil servants.

A teacher's contract cannot be terminated on grounds of redundancy or on grounds of incompetence but disciplinary action following proven misconduct or negligence may result in dismissal.

Any teacher may be formally dismissed without notice if he/she loses Spanish nationality or is convicted of a criminal offence.

United Kingdom - England and Wales

Responsible authorities

There are two main categories of educational establishment financed by the State:

a) *local education authority (LEA)-maintained schools:* schools funded and managed by the *LEA*;
b) *grant-maintained schools*: directly funded by the state, managed by the *governing body* of the school.

LEAs are responsible for the employment and management of teachers in all their schools. However, following the implementation of the Education Reform Act 1988, the *governing bodies* of secondary schools and large primary schools will take over the responsibilities formerly carried out by the *local education authority* with respect to the management of teachers. *LEAs* continue to exercise these responsibilities for smaller primary schools. The *governing bodies* of *grant maintained schools* are responsible for all aspects of the school's management. The following description reflects the traditional procedures adopted by *LEAs* and/or *governing bodies* as appropriate.

School types

Full-time education is compulsory for young people aged 5 to 16.

Primary	age 5-11
Secondary	age 11-16 or 18

The majority of schools are *comprehensive*, providing general education for children of all abilities.

Categories of teacher

Although there are several different routes to qualified teacher status, there is a single category of teacher employed in state schools, comprising those who hold a recognised teaching qualification and are recognised by the Department of Education and Science. Qualified teachers are allowed to apply for a teaching post in any sector, although they generally teach pupils within the age range for which they have specialised.

Teacher status

Teachers are employees of the *local education authority* or of the *governing body*, in the case of *LEA maintained schools* with delegated authority (under the Education Reform Act of 1988) or of *grant maintained schools*. They are public employees without guaranteed tenure, but they are eligible for public sector index-linked pension schemes.

Appointment to an established post in a school may be made at one of two levels:

a) a permanent appointment
b) a temporary appointment on a fixed term contract.

Teacher numbers

The number of teaching posts is determined by *local education authorities*, based on the number and age of pupils enrolled at the school. Extra staffing allocations may be provided for:

* schools with pupils who have special educational needs
* schools with ethnic minority children needing special language support;
* pastoral and vocational guidance;
* cover for teachers who attend in-service education.

Following the implementation of *local management of schools* under the Education Reform Act 1988, *governing bodies* may decide to employ additional teachers if they can meet the costs from the school's delegated budget.

Recruitment and appointment

Local education authorities (or *governing bodies*) are responsible for the recruitment and appointment of teachers to schools. Candidates must demonstrate evidence of:

* Qualified Teacher status, appropriate to the subject to be taught, obtained in one of the member states of the European Community (other teachers must secure recognition by the Department of Education and Science);
* a good knowledge of English;
* experience other than teaching, if relevant to the subject to be taught;
* good character (i.e. have no criminal record);
* physical aptness for teaching (i.e. a medical certificate).

Vacancies are publicly advertised and applications are submitted to the *local education authority* or *school governing body* and the head teacher, who draw up a list of candidates to be interviewed on the basis of their written applications. The appointment panel, comprising members of the *school governing body*, the head teacher and a representative of the *Chief Education Officer*, conducts the interviews and makes the appointment.

Probation

The first year following appointment is a probationary period, during which the teacher receives additional support from his/her colleagues inside and beyond the school. The local education authority determines whether probation has been satisfactorily completed.

Redeployment and transfer

A *local education authority* may redeploy teachers among its schools at its discretion in the interests of the service and accordance with the rules which apply within each authority. It may not compulsorily transfer a teacher to a school within the jurisdiction of another *education authority* nor may *LEAs* redeploy teachers to a school with delegated authority against the wishes of the *governing body* of that school.

Teachers who seek a transfer to another school must apply in response to an advertised vacancy.

Termination of contract

The normal age of retirement is 65 years but, like other employees, female teachers may take early retirement at 60 years. A teacher who suffers from ill-health may be granted premature retirement.

Prior to the passing of the Education Reform Act 1988, redundant teachers could be redeployed by the *LEA* to another school within the *authority* in the interests of the service. However, where the *governing body* has devolved responsibility for staffing, a redundant teacher can only be redeployed in consultation with the governing body of the receiving school. Teachers are protected against unfair dismissal under general employment legislation.

If a teacher fails to carry out his/her duties satisfactorily despite appropriate support and training, the *education authority* (or *governing body*), as employer, is responsible for taking action in accordance with agreed disciplinary procedures.

A teacher found guilty of specific criminal offences may be summarily dismissed.

United Kingdom - Scotland

It is important to note that the education service in Scotland is governed by legislation, regulations and structures which are independent of those applying to England, Wales and Northern Ireland.

Responsible authorities

Regional/Islands authorities, in their capacity as *education authorities*, are responsible for the recruitment and appointment of teachers to schools.

Types of school

Full-time education is compulsory for young people aged 5 to 16.

Primary	age 5-12 years
Secondary	age 12-16 or 17

The majority of *secondary* schools are *comprehensive*, providing general education for children of all abilities. Only a few schools in remote areas cater for pupils up to age 16 only.

Categories of teacher

Although there are several different routes to qualified teacher status, there is a single category of teacher employed in Scottish state schools, comprising those who hold a recognised teaching qualification and are registered by the General Teaching Council for Scotland. A qualified teacher is allowed to ~~apply for a teaching post in any sector, although they generally~~ teach pupils within the age range for which they have specialised.

Teacher status

Teachers are local government employees and do not enjoy security of tenure. The compulsory age of retirement is 65, but a retired teacher may be re-employed for one year in a post holding no special responsibility or for three months if continuing in a post of special responsibility.

Teacher numbers

The number of teachers to be employed is currently subject to Scottish Education Department Circular 1029 (December 1978), but a draft Circular is under consideration (ref. SED June 88) which *education authorities* are using as a basis for staffing. There is provision for employing additional teachers in schools situated in areas of urban deprivation or which have a substantial proportion of pupils from ethnic minorities.

Recruitment and appointment

All teachers in schools maintained by the *education authority* must:

- hold a teaching qualification, appropriate to the subjects to be taught, and be registered by the General Teaching Council for Scotland;
- have a good command of the English language.

Nationality is not a criterion for appointment, but teachers who have qualified outside Scotland must secure recognition by, and register with, the General Teaching Council for Scotland and undertake an English language test to show that they can converse with pupils and colleagues, read professional material and write formally and informally.

Applicants respond to advertised vacancies, in accordance with the provisions of the Self-Governing Schools etc (Scotland) Act 1989 and local regulations. The *education authority* considers applications, conducts interviews and appoints the most suitable candidate.

Probation

There is a probationary period of two years before final registration.

Redeployment and transfer

An *education authority* may redeploy teachers at its discretion in the interests of the service and in accordance with the rules which apply within each *authority*. An *authority* may not compulsorily transfer a teacher to a school within the jurisdiction of another *education authority*.

Teachers seeking a transfer to another school or to a post as inspector, administrator or teacher trainer must apply in response to an advertised vacancy.

Termination of contract

Teachers retire at the age of 65, or before then if ill-health prevents fulfilment of their responsibilities. Teachers may resign on giving the requisite period of notice.

The *education authority*, as employer, may dismiss a teacher due to redundancy or inability to carry out his/her duties satisfactorily in accordance with Section 88 of the Education (Scotland) Act 1980. However, this section is to be repealed and teachers will then be protected against unfair dismissal under general employment legislation.

Any teacher may be formally dismissed without notice following a relevant criminal conviction.

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